

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBERT MURRAY,	Plaintiff,
-v-	
C.O. PRATT, <i>et al.</i> ,	Defendants.

22-CV-638 (JPO)

AMENDED ORDER

J. PAUL OETKEN, District Judge:

On October 9, 2024, this Court stayed the above-captioned case pending the resolution of Defendant the City of New York’s motion to revoke Plaintiff Robert Murray’s *in forma pauperis* (“IFP”) status in the case *Murray v. City of New York*, 24-CV-4918. (*See* ECF Nos. 74, 75.) While Judge Rochon dismissed the motion in that case as moot once Murray paid the filing fee, the City next moved to revoke Murray’s IFP status in another pending case in front of Judge Clarke, *Murray v. City of New York*, 24-CV-3758. (*See* ECF No. 79 at 2.)

Judge Clarke referred the case to Magistrate Judge Aaron, who issued a report and recommendation on March 3, 2025, recommending that the City’s motion to revoke Murray’s IFP status be granted. *See Murray v. City of New York*, No. 24-CV-03758, 2025 WL 1019680, at \* 3 (S.D.N.Y. Mar. 3, 2025) (Aaron, Mag. J.). Judge Aaron determined that Murray, who is currently incarcerated, had filed more than three cases that were “dismissed on the grounds that [they were] frivolous, malicious, or fail[] to state a claim upon which relief may be granted,” and thus, pursuant to Section 1915(g) of the Prison Litigation Reform Act (“PLRA”), his IFP status should be revoked. *Id.* at \*2 (quoting 28 U.S.C. § 1915(g)). Judge Clarke adopted this Report and Recommendation in full on April 4, 2025, and revoked Murray’s IFP status. *See Murray v. City of New York*, No. 24-CV-3758, 2025 WL 1019111, \*1 (S.D.N.Y. Apr. 4, 2025).

On April 7, 2025, the City filed a status letter in the present case updating the Court on Judge Clarke's order, and asking the Court to take judicial notice of Judge Clarke's assessment pursuant to the PLRA. (ECF No. 79.) Magistrate Judge Stein gave Murray a month to respond to the motion, but he has failed to do so. (*See* ECF No. 80.)

Having considered Judge Aaron's reasoning and Judge Clarke's order, the Court agrees that Murray has accumulated at least "three strikes" from prior cases pursuant to the PLRA and he has not alleged facts to support the exception for "imminent danger of serious physical injury."<sup>1</sup> *See Murray*, 2025 WL 101968, at \*2-3, *report and recommendation adopted*, 2025 WL 1019111. Thus, his IFP status must be revoked. *See* 28 U.S.C. § 1915(g).

For the foregoing reasons, the City's motion to revoke Plaintiff's IFP status is GRANTED. Accordingly, it is hereby ORDERED that, no later than June 10, 2025, Murray shall pay the filing fee of \$405. If he fails to do so, this action shall be dismissed without prejudice.

The Clerk of Court is directed to lift the stay on this case and to mail a copy of this order to Plaintiff Murray and to his agent, Cynthia Turnipseed, at 758 Pelham Pkwy, Apt. 4F, Brooklyn, NY 10462.

Turnipseed is requested to update her address on the Docket if she wishes to receive further mailings from the Court. While she listed a Bronx, New York address in her power of attorney designation at Docket Number 78, mailings to that address have been sent back to the Court, and the Court takes notice of the other cases in this District that list her address as

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<sup>1</sup> This exception only applies to dangers a plaintiff is facing "at the time the complaint is filed." *See Malik v. McGinnis*, 293 F.3d 559, 562 (2d Cir. 2002). Murray's complaint only discusses incidents in 2020, while his complaint was filed in 2022. (*See* ECF No. 2.) Thus, he has not alleged facts that would trigger the imminent danger exception in the present case.

Brooklyn, New York. While the previous Order directed the Clerk of Court to update Turnipseed's address, this amended Order clarifies that Turnipseed must update her own address with the Court because she is not a party to this case.

SO ORDERED.

Dated: May 20, 2025  
New York, New York

  
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J. PAUL OETKEN  
United States District Judge